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PATENT

Case Docket No. OPTIS.090A  
Date: September 17, 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Unknown  
Appl. No. : 10/825,223  
Filed : April 15, 2004  
For : SAMPLE ELEMENT WITH  
BARRIER MATERIAL  
Examiner : Unknown  
Group Art Unit : 1641

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

September 17, 2004

(Date)

*Mark Kertz*

Mark J. Kertz, Reg. No. 43,711

TRANSMITTAL LETTER

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Enclosed for filing in the above-identified application are:

- (X) An Information Disclosure Statement.
- (X) A PTO Form 1449 with 65 references, 8 of which are enclosed.
- (X) Return prepaid postcard.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Account No. 11-1410.

*Mark Kertz*

Mark J. Kertz  
Registration No. 43,711  
Attorney of Record  
Customer No. 20,995  
(949) 760-0404

**INFORMATION DISCLOSURE STATEMENT**

Applicant	:	Unknown
App. No.	:	10/825,223
Filed	:	April 15, 2004
For	:	SAMPLE ELEMENT WITH BARRIER MATERIAL
Examiner	:	Unknown
Group Art Unit	:	1641

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Enclosed is form PTO-1449 listing 65 references, 8 of which are enclosed.

This Information Disclosure Statement is being filed before the receipt of a first Office Action on the merits, and presumably no fee is required in accordance with 37 C.F.R. § 1.97(b)(3). If a first Office Action on the merits was mailed before the mailing date of this Statement, the Commissioner is authorized to charge the fee set forth in 37 C.F.R. § 1.17(p) to Deposit Account No. 11-1410.

**RELATED COPENDING APPLICATIONS (COMMONLY OWNED WITH THE  
PRESENT APPLICATION)**

<b><u>Serial No.</u></b>	<b><u>Filing Date</u></b>	<b><u>Title</u></b>	<b><u>Inventors</u></b>	<b><u>Attorney Docket No.</u></b>
10/055,875	01/21/02	Reagent-Less Whole-Blood Glucose Meter	Sterling, et al.	OPTIS.039A
10/200,384	07/19/02	Reagent-Less Whole-Blood Glucose Meter	Sterling, et al.	OPTIS.039C1
10/219,625	08/14/02	Device and Method for In Vitro Determination of Analyte Concentration Within Body Fluids	Braig, et al.	OPTIS.039CP1
10/219,627	08/14/02	Device and Method for In Vitro Determination of Analyte Concentration	Braig, et al.	OPTIS.039CP2

Appl. No. : 10/825,223  
Filed : April 15, 2004

Docket No. OPTIS.090A  
Customer No. 20,995

		Within Body Fluids		
10/338,061	01/06/03	Cartridge Lance	Rule, et al.	OPTIS.078A
10/913,666	08/06/04	Sample Element with Barrier Material and Vacuum	Unknown	OPTIS.109A

Regarding Serial No. 10/055,875, its specification is set forth in publication no. 2003/0090649, listed in the attached form PTO-1449. A copy of the currently-pending claims of Serial No. 100/055,875 is enclosed herewith.

Regarding Serial No. 10/200,384, its specification and currently-pending claims are set forth in publication no. 2003/0086073, listed in the attached form PTO-1449.

Regarding Serial No. 10/219,625, its specification and currently-pending claims are set forth in publication no. 2003/0086074 listed in the attached form PTO-1449.

Regarding Serial No. 10/219,627, its specification and currently-pending claims are set forth in publication no. 2003/0086075, listed in the attached form PTO-1449.

Regarding Serial No. 10/338,061, its specification and currently-pending claims are set forth in publication no. 2004/0132167, listed in the attached form PTO-1449.

Regarding Serial No. 10/913,666, a copy of its specification, drawings and currently-pending claims is enclosed herewith.

Respectfully submitted,  
KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: Sep. 17, 2004

By: Mark J. Kertz  
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FORM PTO-1449

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICEATTY. DOCKET NO.  
OPTIS.090AAPPLICATION NO.  
10/825,223INFORMATION DISCLOSURE STATEMENT  
BY APPLICANT

(USE SEVERAL SHEETS IF NECESSARY)

APPLICANT  
UnknownFILING DATE  
April 15, 2004GROUP  
1641

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE (IF APPROPRIATE)
	1	3,751,173	8/7/73	Sanz et al.			
	2	4,042,335	8/16/77	Clement			
	3	4,088,448	5/9/78	Lilja et al.			
	4	4,405,235	9/10/83	Rossiter			
	5	4,654,197	3/31/87	Lilja et al.			
	6	4,477,190	10/16/94	Liston et al.			
	7	4,753,776	6/28/88	Hillman et al.			
	8	4,873,993	10/17/89	Meseral et al.			
	9	4,761,381	8/2/88	Blatt et al.			
	10	4,790,640	12/13/88	Nason			
	11	4,953,552	9/4/90	DeMarzo			
	12	4,948,961	8/14/90	Hillman et al.			
	13	4,935,346	6/19/90	Phillips et al.			
	14	5,064,282	11/12/91	Curtis			
	15	5,209,904	5/11/93	Forrey et al.			
	16	5,223,219	6/29/93	Subramanian et al.			
	17	5,306,623	4/26/94	Kiser et al.			
	18	5,371,020	12/6/94	Frischauf			
	19	5,418,142	5/23/95	Kiser et al.			
	20	5,430,542	7/4/95	Shepherd			
	21	5,470,757	11/28/95	Gagnon et al.			
	22	5,438,984	8/8/95	Schoendorfer			
	23	5,452,716	9/26/95	Clift			
	24	5,567,869	10/12/96	Hauch et al.			
	25	5,627,041	5/6/97	Shartle			
	26	5,722,397	3/3/98	Eppstein			
	27	5,714,123	3/3/98	Sohrab			
	28	5,674,457	10/7/97	Williamsson			

EXAMINER

DATE CONSIDERED

\*EXAMINER: INITIAL IF CITATION CONSIDERED, WHETHER OR NOT CITATION IS IN CONFORMANCE WITH MPEP 609; DRAW LINE THROUGH CITATION IF NOT IN CONFORMANCE AND NOT CONSIDERED, INCLUDE COPY OF THIS FORM WITH NEXT COMMUNICATION TO APPLICANT.

FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE  <b>INFORMATION DISCLOSURE STATEMENT          BY APPLICANT</b>  (USE SEVERAL SHEETS IF NECESSARY)	ATTY. DOCKET NO. OPTIS.090A	APPLICATION NO. 10/825,223
	APPLICANT Unknown	
	FILING DATE April 15, 2004	GROUP 1641

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE (IF APPROPRIATE)
	29	5,753,452	5/19/98	Smith			
	30	5,736,103	4/7/98	Pugh			
	31	5,801,057	9/11/98	Smart et al.			
	32	5,817,012	10/6/98	Schoendorfer			
	33	5,843,691	12/11/98	Douglas et al.			
	34	5,900,632	5/4/99	Sterling et al.			
	35	5,948,695	9/7/99	Douglas et al.			
	36	5,962,215	10/5/99	Douglas et al.			
	37	5,977,545	11/2/99	Haar et al.			
	38	6,049,762	4/11/00	Ganz et al.			
	39	6,072,180	6/6/00	Kramer et al.			
	40	6,084,660	7/4/00	Shartle			
	41	6,087,182	7/11/00	Jeng et al.			
	42	6,071,251	6/6/00	Cunningham et al.			
	43	6,143,164	11/7/00	Heller et al.			
	44	6,197,494	3/6/01	Oberhardt			
	45	6,198,949	3/6/01	Braig et al.			
	46	6,285,448	9/4/01	Kuenstner			
	47	6,312,888	11/6/01	Wong et al.			
	48	2002/0185384	12/12/02	Leong et al.			
	49	2003/0090649	5/15/03	Sterling et al.			
	50	2003/0086073	5/8/03	Sterling et al.			
	51	2003/0086074	5/8/03	Braig et al.			
	52	2003/0086075	5/8/03	Braig et al.			
	53	2004/0132167	5/8/04	Braig et al.			

## FOREIGN PATENT DOCUMENTS

EXAMINER	DATE CONSIDERED
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FORM PTO-1449	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTY. DOCKET NO. OPTIS.090A	APPLICATION NO. 10/825,223
INFORMATION DISCLOSURE STATEMENT BY APPLICANT  (USE SEVERAL SHEETS IF NECESSARY)		APPLICANT Unknown	
		FILING DATE April 15, 2004	GROUP 1641

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	54	WO 01/53806	July 26, 2001	PCT				
	55	WO 03/01682	February 27, 2003	PCT				

EXAMINER INITIAL	OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)							
	56	Ward et al., "Post-Prandial Blood Glucose Determination by Quantitative Mid-Infrared Spectroscopy," <u>Applied Spectroscopy</u> , vol. 46, pp. 959-965 (1992).						
	57	Heise et al., "Multicomponent Assay for Blood Substrates in Human Plasma by Mid-Infrared Spectroscopy and its Evaluation for Clinical Analysis," <u>Applied Spectroscopy</u> , vol. 48, no. 1, pp. 85-95 (1994).						
	58	McNichols et al., "Optical Glucose Sensing in Biological Fluids: An Overview," <u>Journal of Biomedical Optics</u> , vol. 5, no. 1, pp. 5-9 (January 2000).						
	59	Petibois et al., "Glucose and Lactate Concentration Determination on Single Microsamples by Fourier-Transform Infrared Spectroscopy," <u>Journal of Laboratory and Clinical Medicine</u> , vol. 135, no. 2, pp. 210-215 (February 2000).						
	60	USPTO Serial No.10/055,875; Inventors Sterling et al.; Filing Date 01/21/02						
	61	USPTO Serial No. 10/200,384; Inventors Sterling et al.; Filing Date 07/19/02						
	62	USPTO Serial No. 10/219,625; Inventors Braig et al.; Filing Date 08/14/02						
	63	USPTO Serial No. 10/219,627; Inventors Braig et al.; Filing Date 08/14/02						
	64	USPTO Serial No. 10/338,061; Inventors Rule et al.; Filing Date 01/06/03						
	65	USPTO Serial No. 10/913,666; Inventors Unknown; Filing Date 08/06/04						

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EXAMINER	DATE CONSIDERED
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